

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BILLY D. DAVIS,	)	
	)	
Plaintiff,	)	8:04cv315
	)	
vs.	)	ORDER
	)	
OMAHA POLICE DEPT.,	)	
	)	
Defendant.	)	

This matter is before the court on filing no. 14, the Response by the plaintiff, Billy D. Davis, to the court's Order to Show Cause (filing no. 12). In filing no. 12, the court ordered the plaintiff to provide any reason he might have as to why the above-entitled case should not be dismissed without prejudice for failure to obtain timely service of process on the defendant.

The plaintiff has shown cause for the delay in effecting service of process. An extension of time to serve the defendant will be granted, and instructions for completing the forms for service of process are attached to this Order.

IT IS THEREFORE ORDERED:

1. The extension of time requested in filing no. 14 is granted.
2. The Clerk of Court shall send the plaintiff ONE summons and ONE Form 285.
3. The plaintiff shall complete the forms for service of process on the City of Omaha, Nebraska, at the address of the City Clerk, which is: City of Omaha, c/o City Clerk, 1819 Farnam Street, Room LC-1, Omaha, Nebraska 68183.
4. The plaintiff shall have until **May 20, 2005** to return the completed forms to the Clerk of Court.
5. If the forms are not returned to the Clerk of Court by **May 20, 2005**, the Clerk shall bring this case to the attention of the court.
6. Upon receipt of the completed summons and 285 forms, the Clerk of Court shall sign the summons, to be forwarded, together with a copy of the complaint, to the U.S. Marshal for service of process. The Marshal shall serve the summons and complaint without payment of costs or fees. Service may be by mail pursuant to Fed. R. Civ. P. 4 and

Nebraska law in the discretion of the Marshal. The Marshal shall effect service by May 30, 2005.

7. A defendant has twenty (20) days after receipt of the summons to answer or otherwise respond to the complaint.

8. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court in the prosecution of this case.

9. The plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so could result in dismissal of this case.

DATED this 25<sup>th</sup> day of April, 2005.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge

INSTRUCTIONS: SUMMONS FORMS AND FORMS 285  
for plaintiffs proceeding pro se and in forma pauperis

1. A summons form provides notice to a defendant that the defendant has been sued and must answer or otherwise respond to the complaint.
2. A form USM-285 ("285 form") provides directions to the U.S. Marshal as to whom to serve with process and where to serve the defendant(s). The U.S. Marshal serves the defendant(s) without cost to you because you are proceeding in forma pauperis ("IFP").
3. Do not copy your complaint to attach to the summons; the court will do that for you.
4. You may serve only defendant(s) named in the case caption of the complaint. If you wish to serve additional defendant(s), you must move for leave to amend the complaint to add the additional defendant(s) to the case caption. "John Doe" plaintiffs cannot be served with process.
5. Be sure to print your case number on all forms.
6. You must give an address for each party to be served. The U.S. Marshal and the court will not know a defendant's address.
7. When completing forms for service of process on a County, the plaintiff must note Neb. Rev. Stat. § 25-510.02(2), which states: "Any county, city, or village of this state may be served by personal, residence, or certified mail service *upon the chief executive officer, or clerk.*" The address is: City of Omaha c/o City Clerk, 1819 Farnam Street, Room LC-1, Omaha, Nebraska 68183.
8. Where a summons form states: "You are hereby summoned and required to serve on plaintiff's attorney" print your name and address.
9. Where a form 285 states: "send notice of service copy to requestor at name and address" print your name and address.
10. Where a form 285 calls for "signature of attorney or other originator" provide your signature and date the form.
11. Leave the last part of the summons form blank. The court will fill in the number of days in which the defendant must answer, and the court will sign and date the form.